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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/729,521	12/05/2003	Richard Floyd Percy	16638-US	2404
30689 7590 04/23/2007 DEERE & COMPANY ONE JOHN DEERE PLACE MOLINE, IL 61265			EXAMINER KOVACS, ARPAD F	
			ART UNIT	PAPER NUMBER
			3671	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/729,521

Applicant(s)

PERCY ET AL.

Examiner

Árpád Fábián Kovács

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15, 17-19 and 21-23 is/are pending in the application.
- 4a) Of the above claim(s) 1-15 and 17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 18, 19 and 21-23 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, in re cl. 18, the

(1) “touching the reel type mower” (newly amended recitation)

NOTE: applicant recites:

Now referring to FIGS. 3 and 4, in one embodiment, reinforced grass catcher 20 may be a generally box-shaped structure with opening 31 facing the cutting unit to receive grass clippings discharged by the cutting unit. The reinforced grass catcher may have opposing sides 32, lower wall or panel 33, and upper wall or panel 34. In one embodiment, the upper wall or panel may have a generally arcuate or curved shape extending between the top of opening 31 and the lower wall or panel. The lower wall or panel of the reinforced grass catcher may include lip 35 facing the cutting unit. When in use, lip 35 is positioned next to the cutting unit. For example, the lip may engage, abut, touch or rest on a corresponding surface of the cutting unit, such as lateral extending support bar 13.

reviewing fig 3 & 4, the lip 35 is not shown to touch the reel type mower;

(2) “a lower panel extending over the roller”

NOTE: applicant recites:

When in use, according to one embodiment, lip 35 of the reinforced grass catcher may be raised or elevated to a horizontal plane that is generally higher than the horizontal plane of at least some other portions of lower wall or panel 33. The elevated lip helps the reinforced grass catcher retain grass clippings which are directed generally downwardly after the clippings enter the reinforced grass catcher. Additionally, in one embodiment, the lower wall or panel may have one or more contoured bottom surface portions. For example, the lower wall or panel may define a shape that generally conforms to underlying components of the cutting unit. In one embodiment, the lower wall or panel may include concave surface portion 36 extending laterally between opposing sides 32, dimensioned to fit over roller 16 without interfering with roller movement.

reviewing fig 2 (the only fig. which shows roller 16), the lower panel 33 is not shown to extend over the roller, only a portion 36 is disclosed to “fit over roller 16”

must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 103***

2. Claims 18-19, 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ehn, Jr et al (part of record, '663), in view of Skilliter Jr (part of record, '278).

Ehn discloses: in re independent claim: "catcher 10 is thus preferably made from molded plastic and in one piece" (col. 4, ln 39-41); "the catcher 10 is made of a molded plastic material, and it has an opening 33" (col. 3, ln 54-56); the opening with lower lip (37) & lower panel (34); the catcher capable of being used with a reel type mower & the lower panel capable of extending over the (not-claimed / functionally claimed) roller (see bending area at the entrance in fig 2, shelf 37); extending across **at least a portion** of the lower lip having strength reinforcement means (ribs 41; "has ribs 41 for strength reinforcement of the bottom lip" col. 4, ln 17-18);

in re dependent claims: the design shape of the box as claimed (fig 2), the lower lip is above a portion of a lower wall in a horizontal plane (fig 2); and contoured bottom surface portion (as explained above in re the bending portion); except for teaching the molded reinforcement means is a rod with molded retaining structures.

Skilliter discloses that it is known in the art, col. 2, ln 20-27:

It has been found that a polyester, specifically a "Kodar" PETE copolyester 6763 material, produced by Eastman Chemical Products, Inc. molded to encapsulate a machinable steel rod provides unexpected advantages in structural integrity. No fragmenting results in the molded rod-panel assembly as is often true in molded or cast assemblies which include plastic and metal interfaces.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the reinforcement means of Ehn with the teachings of Skilliter, in order to utilize a rod & molding retaining means /

structures for its unexpected structural integrity and eliminating fragmenting (as taught above by Skilliter).

***Response to Arguments***

3. Applicant's arguments with respect to claims 18-19, 21-23 have been considered but are moot in view of the new ground(s) of rejection.

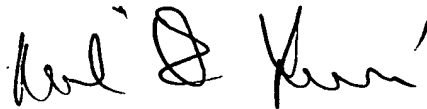
***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See form 892.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Árpád Fábián Kovács whose telephone number is 571 272 6990. The examiner can normally be reached on Mo-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571 272 6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Árpád Fábián Kovács  
Primary Examiner  
Art Unit 3671

AFK